

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	New Cingular Wireless Communications Tower Access Road
Proposed Implementation Date:	January/February 2014
Proponent:	New Cingular Wireless PCS, LLC
Location:	Section 16, Township 8 North, Range 25 East
County:	Musselshell County

I. TYPE AND PURPOSE OF ACTION

New Cingular Wireless has applied to the DNRC Southern Land Office (SLO) for a Land Use License (LUL) to permit the use of an existing two-track trail from Horsethief Road to access an existing cell tower located in the Section 15, T8N, R25E in Musselshell County. The existing $\pm 2,240'$ two-track is currently being utilized by NorthWestern Energy to access their communications tower that was recently constructed on Section 16 through Land Use License #6199. The Southern Land Office required that NorthWestern Energy make improvements to the access gate from Horsethief Road along with making some minor improvements to the access road in the stipulations approving LUL #6199. New Cingular Wireless has contacted NorthWestern Energy and they have come up with a joint road maintenance agreement. Additionally, the SLO will require New Cingular Wireless to install a new gate brace post in the gate they will utilize to access Section 15 in the fence that is located on the Section line, as well as make any improvements to the gate necessary to facilitate easy access to the cellular tower site.

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project.

No formal public scoping was performed by DNRC for this proposed project. The applicant for the Land Use License contacted the State grazing lessee, Walter Newton, regarding this project and obtained a signed lessee settlement. Additionally, SLO Land Use Specialist Jocce Hedrick and Area Planner Jeff Bollman conducted a site visit of the property on 27 January 2014.

2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

None

3. ALTERNATIVES CONSIDERED:

Proposed Alternative: Issue a Land Use License to New Cingular Wireless to allow the utilization an existing two-track trail from Horsethief Road to access an existing cell tower located in the Section 15, T8N, R25E.

No Action Alternative: Deny the request by New Cingular Wireless to utilize an existing two-track trail.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" if no impacts are identified or the resource is not present.*

4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.

The existing New Cingular Wireless cell tower is located immediately east of the NorthWestern Energy communication tower site on private land in Section 15. The soils in the road area consist mostly of Twilight sandy loam. Additionally, NorthWestern Energy was required to make moderate improvements to the existing two-track trail by adding gravel which should reduce erosion and eliminate the need to drive off the road when conditions are poor. Implementing the proposed action is not expected to cause significant adverse impacts to geology or soils.

5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.

There are no water sources on this Section near the existing access road. No significant adverse impacts to water quality, quantity and distribution are expected to occur as a result of implementing the proposed alternative.

6. AIR QUALITY:

What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.

No adverse significant impact is expected to air quality if the proposed Land Use License is issued.

7. VEGETATION COVER, QUANTITY AND QUALITY:

What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.

A search of the Montana Natural Heritage Program database indicated that no plant species of concern are located on the subject section. The two-track trail that will be used for the access road already exists and there have been minor improvements made to it, mostly the addition of gravel to make it more of an all weather road. No significant adverse impacts to vegetation cover, quantity or quality are expected as a result of implementing the proposed action.

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.

No significant adverse impacts to terrestrial, avian and aquatic life and habitats are expected occur as a result of implementing the proposed alternative.

9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:

Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.

A proposed project area search of the Montana Natural Heritage Program database identified three vertebrate animals that are listed as a species of concern, threatened, or endangered: greater sage-grouse, Townsend's Big-eared bat and spiny softshell turtle.

Greater Sage-Grouse is listed as a sensitive species and is known to exist in the vicinity north of the proposed project. The proposed action is not expected to have a significant impact on greater sage-grouse based on the fact that the project area does not contain desirable Sage-Grouse habitat.

Townsend's Big-eared Bat is listed as a species of concern. Their distribution includes most of the state, with the exception of the High Line. There could be hibernacula or roosting areas in the vicinity, but they would most likely be south of the subject property where there are abandoned mines. The subject property could certainly be used as a forage area, as their range can extend from 10-25 kilometers from their roosting area. The proposed action is not expected to have a significant impact on the Townsend's Big-eared Bat.

Spiny Softshell is listed as a sensitive species. Their habitat consists of rivers and river impoundments and they may occupy areas in or around the Musselshell River which is located approximately 1 mile southeast of the proposed project area. No significant impacts to spiny softshell are expected by implementing the proposed action.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

Identify and determine effects to historical, archaeological or paleontological resources.

A review of the access road was conducted during a site visit by Jocee Hedrick, Land Use Specialist and Jeff Bollman, Area Planner and no cultural resources were identified in the project area. No significant adverse impacts to historical or archaeological sites are expected from implementing the proposed action.

11. AESTHETICS:

Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.

The proposed action would allow the use of an existing two-track trail and would not involve any new construction, except for the some potential improvements to the section line fence and gate between Sections 15 and 16. No significant adverse impacts to aesthetics are expected from implementing the proposed action.

12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:

Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.

No significant adverse impacts to environmental resources of land, water, air or energy are expected to occur as a result of implementing the proposed alternative.

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.

There are no other known state actions or projects proposed in the immediate area.

IV. IMPACTS ON THE HUMAN POPULATION
<ul style="list-style-type: none">• <i>RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.</i>• <i>Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.</i>• <i>Enter "NONE" if no impacts are identified or the resource is not present.</i>

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

No significant impacts to human health and safety are expected to occur as a result of implementing the proposed alternative.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

Identify how the project would add to or alter these activities.

The issuance of the proposed Land Use License will allow New Cingular Wireless a more direct route to their existing cell tower on an existing two-track road.

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.

The proposed action would not have a significant impact on employment.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.

Implementing the proposed action is not expected to have a positive or negative effect on the amount of taxes paid by New Cingular Wireless.

18. DEMAND FOR GOVERNMENT SERVICES:

Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services

The implementation of the proposed alternative will not generate an increase in demand for government services.

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:

List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.

Musselshell County does have an adopted Growth Policy that covers the entire County and the proposed alternative does not conflict with the Growth Policy. Also, the subject section is not zoned by Musselshell County.

20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:

Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.

The subject State land currently has legal access via a county road, Horsethief Road, which bisects the north half of the section and generally runs east to west. The approval of the Land Use License would also permit the use of an existing two-track trail to access the New Cingular wireless cell tower site. NorthWestern Energy was required to install a new gate at this access point off of Horsethief Road with the approval of LUL #6199. This appears to be working to prevent illegal driving on this section, which had previously been a problem along with firewood theft and illegal dumping. The implementation of the proposed action is not expected to have an adverse effect on the recreation or hunting activity on this section.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:

Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.

The proposed alternative would have no adverse effect on density and distribution of population and housing.

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

There are no native, unique or traditional lifestyles or communities in the vicinity that would be impacted by the proposed alternative.

23. CULTURAL UNIQUENESS AND DIVERSITY:

How would the action affect any unique quality of the area?

The proposed alternative would not directly impact cultural uniqueness or diversity.

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:

Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.

The Common Schools Trust will benefit by getting a rental fee from New Cingular Wireless PCS of \$300.00/year for the use of the two-track trail in the first 5 years of the LUL and then \$500.00/year for the second five year period.

EA Checklist Prepared By:	Name: Jeff Bollman, AICP	Date: 30 January 2014
	Title: Area Planner, Southern Land Office	

V. FINDING

25. ALTERNATIVE SELECTED:

The proposed alternative has been selected and it is recommended that a Land Use License (LUL) be issued to New Cingular Wireless PCS. This LUL would permit New Cingular Wireless to utilize an existing two-track trail from Horsethief Road to access their cell tower site on adjoining Section 15. This alternative can be implemented in a manner that is consistent with the long-term sustainable natural resource management of the area.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

The potential for significant adverse impacts is minimal for the proposed project. Potential adverse impacts will be avoided or mitigated by the project scope and the required mitigation measures.

Mitigation measures:

1. Licensee shall have a valid joint road maintenance agreement with NorthWestern Energy or successor of LUL #6199 in full force and effect during the term of the License. If the communications site permitted under LUL #6199 terminates for any reason, Licensee agrees to bear full cost of road maintenance, including addition of gravel and gate maintenance under the terms of this License or License #6199.
2. Licensee shall install new gate brace post (north side) on the east section line fence at the gate between Sections 15 and 16. Licensee may also make other improvements, such as the installation of a gate latch and/or new gate to facilitate easy access to the cellular tower site on Section 15.

3. The use of the road is limited to Licensee New Cingular Wireless PCS and its successors or assigns. If additional users are added to the New Cingular cell tower, the Licenser shall be notified and a License amendment shall be required to add the additional user(s) to the License. The addition of other tower users may result in an increase in rent due to Licenser.
4. The road will not be widened beyond its existing footprint without prior approval of the Southern Land Office.
5. All necessary permits will be secured before any activities begin.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

☐ EIS ☐ More Detailed EA ☒ No Further Analysis

EA Checklist Approved By:	Name: Matthew Wolcott
	Title: Area Manager, Southern Land Office
Signature: /s/ Matthew Wolcott Date: January 30, 2014	